

bound by that analysis as conclusive in the event he is able to show other filthy substance in the article sought to be condemned.

"As the claimant can obtain the information requested, insofar as the same is in the possession of the attorneys for the Government, by the procedure authorized under Rule 33 of the Rules of Civil Procedure, and other rules of discovery, the motion for more specific statement should be overruled. The Clerk will therefore enter the following order:

"The above entitled action having come on for hearing in open court at Des Moines, Iowa, on the 21st day of November, 1942, upon a motion by the intervening claimant for more specific statement, and the court being advised, said motion is overruled and the intervening claimant, Fred Jegerlehmer, excepts."

On April 6, 1943, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond with provision that it should not be sold or otherwise disposed of for human food, but that it could be used for animal food in compliance with the law.

5479. Adulteration of Ricotta cheese. U. S. v. 571 Pounds of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 10099. Sample No. 1579-F.)

On June 19, 1943, the United States attorney for the Northern District of Illinois filed a libel against 571 pounds of cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 18, 1943, by the Rocky Mountain Cheese Co., from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent hairs, hairs resembling rodent hairs, feather barbules, and plant fibres, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Fresh Ricotta," or "Head Cheese."

On October 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5480. Misbranding of Cheddar cheese. U. S. v. 3 Cheddars. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. D. C. No. 9829. Sample No. 6171-F.)

On or about April 30, 1943, the United States attorney for the Western District of Missouri filed a libel against 3 cheddar cheeses, each weighing 70 pounds, at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about January 28, 1943, by the Community Creamery Co. from Greenwood, Ark.; and charging that it was misbranded.

The article was alleged to be misbranded in that it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, but failed to conform to such definition and standard since it contained, in its solids, less than the 50 percent milk fat required by the regulation.

On September 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various welfare organizations.

MISCELLANEOUS

5481. Misbranding of oleomargarine. U. S. v. Vegetable Oil Products Company, Inc. Plea of not guilty. Tried to the court and a jury. Verdict of guilty on 1 count. Fine, \$250. (F. D. C. No. 7761. Sample Nos. 53697-E, 93259-E, 12809-F.)

On December 14, 1942, the United States attorney for the Southern District of California filed an information against Vegetable Oil Products Company, Inc., a corporation, Wilmington, Calif., alleging shipment on or about February 23, 1942, from the State of California into the State of Utah, and on or about May 29 and July 3, 1942, from the State of California into the State of Oregon of a number of cases, each containing a number of 1-pound prints of oleomargarine that was misbranded. The article was labeled in part: (Case) "Sunnybank Vegetable Vitamin A Added Oleomargarine"; (case and print wrappers) "Vegetable Fats 81%."

The article was alleged to be misbranded in that the statement "Vegetable Fats 81%," borne on the case and wrappers, was false and misleading since the article contained less than 81 percent of vegetable fat, and in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity had been prescribed by regulations as provided by law,

but it did not conform to such definition and standard since it did not contain 80 percent of fat as required by the regulations.

On February 2, 1943, a plea of not guilty having been entered on behalf of the defendant the case came on for trial before the court and a jury. The trial continued through the third and fourth of February on which date the taking of testimony was concluded, arguments of counsel heard and the jury instructed. A verdict of guilty on count 2 involving the shipment of February 23, 1942, into Utah and not guilty on the remaining counts was returned.

5482. Misbranding of oleomargarine. U. S. v. 77 Cases of Oleomargarine. Default decree of destruction. (F. D. C. No. 7824. Sample No. 73886-E.)

On or about July 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 77 cases, each containing 12 cartons, of oleomargarine at Kansas City, Mo., alleging that the article had been shipped on or about June 2, 1942, in interstate commerce from Sherman, Tex., by the Interstate Cotton Oil Refining Co.; and charging that it was misbranded. The article was labeled in part: (Carton) "Dalewood Vegetable Oleomargarine * * * Meadolake Foods, Inc. Sherman, Texas," and (printed slip enclosed in carton) "Contains per pound not less than 9000 U.S.P. Units Vitamin A, 1000 U.S.P. Units Vitamin D. Two ounces of this food supply 28% of the minimum adult daily requirement for Vitamin A, and 31% of the same requirement for Vitamin D."

The article was alleged to be misbranded (1) in that it purported to be oleomargarine, a food for which a definition and standard of identity had been prescribed by regulation, but it failed to conform to such definition and standard since it contained less than 80 percent fat; and (2) in that it purported to be and was represented for special dietary uses and its label did not bear such information concerning its vitamin, mineral and other dietary properties as has been determined to be and by regulations prescribed as necessary in order to inform fully purchasers as to its value for such uses, since the printed slip enclosed in the carton represented the article for special dietary uses and its outside container or wrapper did not bear a statement of the proportion of the minimum daily requirement for vitamin A and vitamin D supplied thereby.

On October 3, 1942, no claimant having appeared, it was ordered that the product be destroyed. Destruction was effected through the distribution of the product to charitable institutions.

5483. Adulteration of evaporated milk. U. S. v. 222 Barrels of Evaporated Milk. Default decree of condemnation. Product ordered sold by marshal on condition that it should not be disposed of in violation of law. (F. D. C. No. 9801. Sample Nos. 6384-F, 6385-F, 6389-F, 6390-F.)

This product had been damaged by fire and water, and examination showed that it was undergoing progressive decomposition.

On April 13, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 222 barrels of evaporated milk at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 21, 1942, by Armour & Co. from Stoughton, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Armour's * * * Evaporated Milk."

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold by the marshal on condition that the purchaser adopt such safeguards as might be directed by the Federal Security Agency against the product being disposed of in violation of the law. The swelled and rusted cans were sorted out and destroyed.

EGGS

5484. Adulteration of dried eggs. U. S. v. 1 Barrel of Dried Eggs. Decree of condemnation and destruction. (F. D. C. No. 10444. Sample No. 42280-F.)

On August 20, 1943, the United States attorney for the Southern District of Ohio filed a libel against 1 barrel of dried eggs at Cincinnati, Ohio, which had been consigned on or about October 6, 1942, alleging that the article had been shipped by F. M. Stamper from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Spray Dried Whole Eggs."

On October 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.